

**UNITED STATES DISTRICT COURT
NEW JERSEY DISTRICT COURT
NEWARK DIVISION**

CASE NO.: 2:25-cv-00097

MAHELEH "MALI" SADAT AZIMA,

Plaintiff,

v.

THIBAUT, INC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MAHELEH "MALI" SADAT AZIMA by and through her undersigned counsel, brings this Complaint against Defendant THIBAUT, INC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MAHELEH "MALI" SADAT AZIMA ("Azima") brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Azima's original copyrighted Work of authorship.

2. Azima discovered photography in the 7th Grade and realized that she would be a photographer; however, she studied fashion design in college, which brought her to design assisting, where she then realized her dream of photography. Azima's first job was for Elle Decor, photographing Paul Garzotto's table top store. She has worked with numerous talented and creative people and loves to collaborate to produce artistic work that is beautiful and inspiring. Azima's client list includes Veranda, House Beautiful, Architectural Digest, Traditional Home, Luxe, Lonny, Country Living, Better Homes & Gardens, GQ, Elle, Nieman

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Marcus, Dillard's Bloomingdales, Shaw Contract, Jaipur Living, Interior Define, Schumacher, The Shade Store, Currey and Co., and countless brilliant interior designers and architects.

3. Defendant THIBAUT INC (“Thibaut”) is a full-service design house with a diverse product offering of wallcoverings, fabrics, trims, area rugs, and furniture. Under information and belief, Thibaut provided Azima’s image that featured their wallcovering to The Color House to use in an article titled “Perfect Powder Room Wallpaper Ideas from Thibaut.”

4. Non-party THE COLOR HOUSE (“Color House”) is a leading paint and design retailer offering color consultation and expert color matching with five locations throughout Rhode Island. At all times relevant herein, The Color House owned and operated the website located at the internet URL www.thecolorhouse.com (the “Color House Website”).

5. Azima alleges that Thibaut copied Azima’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Thibaut committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Thibaut's business.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Thibaut is subject to personal jurisdiction in New Jersey.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Thibaut engaged in infringement in this district, Thibaut resides in this district, and Thibaut is subject to personal jurisdiction in this district.

DEFENDANT

10. Thibaut, Inc is a Delaware Corporation, with its principal place of business located at 1095 Morris Avenue, Suite 450, Union, New Jersey, 07083, and can be served by serving its Registered Agent, Corporation Service Company, 80 State Street, Albany, New York 12207.

THE COPYRIGHTED WORK AT ISSUE

11. In 2021, Azima created the photograph entitled “Mali-Azima-Janie-Molster-Wright-Residence4915,” which is shown below and referred to herein as the “Work”.



12. Azima registered the Work with the Register of Copyrights on February 18, 2021 and was assigned registration number VA 2-241-976. The Certificate of Registration is attached hereto as **Exhibit 1**.

13. At all relevant times Azima was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY THIBAUT

14. Thibaut has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Thibaut copied the Work and provided it to The Color House.

16. On or about February 16, 2022, Azima discovered the unauthorized use of her Work on the Color House Website in an article on the Website entitled, “Perfect Powder Room Wallpaper Ideas from Thibaut.”

17. Thibaut copied Azima's copyrighted Work without Azima's permission.

18. After Thibaut copied the Work, it made further copies and distributed the Work to The Color House. The Color House used the Work on the internet to promote the sale of goods and services as part of its regular business activities.

19. Thibaut copied and distributed Azima's copyrighted Work in connection with its business for purposes of advertising and promoting Thibaut's business, and in the course and scope of its design and color consultation business.

20. Thibaut committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Azima never gave Thibaut permission or authority to copy, distribute or display the Work at issue in this case.

22. Azima notified Thibaut of the allegations set forth herein on November 21, 2022 and December 7, 2022. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

23. Azima incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Azima owns a valid copyright in the Work at issue in this case.

25. Azima registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Thibaut copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Azima's authorization in violation of 17 U.S.C. § 501.

27. Thibaut performed the acts alleged in the course and scope of its business activities.

28. Thibaut's acts were willful.

29. Azima has been damaged.

30. The harm caused to Azima has been irreparable.

WHEREFORE, the Plaintiff MAHELEH "MALI" SADAT AZIMA prays for judgment against the Defendant THIBAUT, INC that:

a. Thibaut and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

- b. Thibaut be required to pay Azima her actual damages and Defendant's profits attributable to the infringement, or, at Azima's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Azima be awarded her attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Azima be awarded pre- and post-judgment interest; and
- e. Azima be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Azima hereby demands a trial by jury of all issues so triable.

Dated: January 6, 2025

Respectfully submitted,

/s/ Rebecca A. Kornhauser

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